

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THE WAGNER AGENCY, )  
                        )  
Plaintiff,            )  
                        )  
v.                     )              Case No. 4:23 CV 1408 CDP  
                        )  
JOHNSON & JOHNSON, INC., et al., )  
                        )  
Defendants.          )

**MEMORANDUM AND ORDER**

On February 6, 2025, plaintiff The Wagner Agency filed a First Amended Complaint unaccompanied by any motion for leave to file it. (ECF 69.) As Wagner is not permitted to file an amended complaint as a matter of course, *see* Fed. R. Civ. P. 15, and various orders entered in this case explicitly set out deadlines by which the parties could file *motions* to amend pleadings (*see* ECF 38, 47, 51, 55, 57, 68), I will direct Wagner to file a motion for leave to amend the complaint and to submit with its motion a *proposed* amended complaint with the changes from the original complaint indicated therein in accordance with Local Rule 4.07. As the last date by which a party could file a motion to amend pleadings was February 6, I will direct Wagner to file its motion and proposed amended complaint not later than February 10, 2025. Defendant Johnson & Johnson, Inc., may file its response to the motion within the time prescribed by the Federal and Local Rules.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall modify the docket entry at ECF 69 to reflect that the document filed is plaintiff's *Proposed* First Amended Complaint.

**IT IS FURTHER ORDERED that not later than Monday, February 10, 2025,**

plaintiff The Wagner Agency shall file a motion for leave to file an amended complaint accompanied by a proposed amended complaint drafted in the manner required by Local Rule 4.07. Failure to timely file an appropriate motion and proposed amended complaint will result in the “Proposed First Amended Complaint” docketed at ECF 69 to be stricken from the record.

**IT IS FURTHER ORDERED that defendant Johnson & Johnson, Inc., may file a response to plaintiff’s motion for leave within the time prescribed by the Federal and Local Rules. I will construe any failure to timely respond to the motion as Johnson & Johnson’s consent to the filing of plaintiff’s proposed First Amended Complaint.**



CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 7th day of February, 2025.